

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARK WECKNER

Petitioner

vs.

TIM BRUNSMAN

Respondent

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case Number: 1:03-cv-00077

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

...Having reviewed this matter, the Court finds the Magistrate Judge's Report and Recommendation well-taken. Accordingly, the Court hereby ADOPTS IN ENTIRETY the Magistrate Judge's Report and Recommendation (doc. 9). The Court further DISMISSES WITH PREJUDICE Petitioner's Petition for Writ of Habeas Corpus (doc. 2), and DENIES to issue a certificate of appealability with respect to the constitutional claims in the petition, which this Court has concluded are waived and thus barred from review on procedural grounds, because jurists of reason neither would find it debatable as to whether petitioner has stated a viable constitutional claim for relief in his habeas petition under the applicable two-part standard articulated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). The Court hereby CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order may not be taken in good faith; leave to proceed in forma pauperis on appeal is therefore DENIED.

10/6/05

James Bonini, Clerk

s/Kevin Moser

Kevin Moser

Deputy Clerk